THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26117 of 2006

Dated:15.12.2006

BETWEEN:

Smt.Datla Hyma and another.

… Petitioner

and

State of A.P., and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26117 of 2006

ORDER:

The petitioners purchased an extent of land admeasuring Ac.1.57 cents in Survey No.1/1 situated at Rushikonda Village of Chinagadili Mandal in Visakhapatnam District, within the sub-registry of Madhuravada, under a registered sale deed dated 29.06.1996 for a valuable consideration, and are in peaceful possession of the same. They have sold some part of the above said land under a registered sale deed dated 15.11.1996. They allege that when they approached the second respondent to execute certain documents of conveyance pertaining to the subject land and requested for necessary challans to pay the stamp duty, he refused to entertain any deed of conveyance pertaining to the said land on the ground that it is an assigned land and hence it cannot be sold, aggrieved by which the present Writ Petition is filed.

Heard the learned Counsel for the petitioners and the learned Assistant Government Pleader for Revenue (General). It is no doubt true that when a document is presented, it is incumbent on the part of the Registering Officer to examine the same with reference to Sections 31 to 36 of the Registration Act, 1908 (the Act, for brevity) and/or Rules 26 and 58 of the Andhra Pradesh Rules under the Act. This aspect of the matter was considered by my learned brother Hon'ble Sri Justice A.Gopal Reddy in W.P.No.15199 of 2004, dated 01.09.2004.

Following the above, this Writ Petition is disposed of directing the second respondent or any other Registering Officer to accept the document presented by the petitioners and consider for registration. Be it noted, if for

any reason, the document presented is not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Act. Even thereafter, if the petitioners have any grievance, they may file appeal before the Appellate Authority under Section 72 of the Act. Thereafter, if any adverse order is passed by the Appellate Authority, the petitioners can file a suit under Section 77 of the Act. No costs.

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(V.V.S.RAO, J)

15.12.2006

Note: Issue C.C by 19.12.2006.

B/o.

vs